



State of New Jersey

DEPARTMENT OF EDUCATION

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CHRIS CHRISTIE
Governor

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DAVID C. HESPE
Acting Commissioner

November 18, 2014

Ms. Cami Anderson, State District Superintendent
Newark Public Schools
2 Cedar Street, Room 1003
Newark, NJ 07102

Dear Ms. Anderson:

SUBJECT: NJ ASK Erasure Analysis Security Review – Cleveland Elementary School
OFAC Case #INV-048-14

The Office of Fiscal Accountability and Compliance (OFAC) completed an investigation of the testing procedures utilized at Cleveland Elementary School in the Newark Public Schools. The investigation was initiated in response to irregularities in student answer patterns during the administration of the 2011 and 2012 New Jersey Assessment of Skills and Knowledge (NJ ASK).

Following a review of all pertinent information and documentation, a violation of test security procedures was confirmed at Cleveland Elementary School. The information obtained during the OFAC review of these matters is detailed in the attached report. Please provide a copy of the report to each board member.

Utilizing the process outlined in the attached "Procedures for Audit Response, Corrective Action Plan and Appeal Process, State-Operated School Districts," pursuant to N.J.A.C. 6A:23A-5.6, the Newark Public Schools is required to publicly review and discuss the findings in this report at a public board meeting no later than 30 days after receipt of the report. Within 30 days of the public meeting, the board must adopt a resolution certifying the findings were discussed during a public meeting. The resolution must indicate if the board approved a corrective action plan (CAP) as required by the report recommendation and/or submitted an appeal of any issue in dispute. A copy of the resolution and approved CAP and/or appeal must be sent to this office within 10 days of adoption by the board. Direct your response to my attention.

Also, pursuant to N.J.A.C. 6A:23A-5.6(c), you must post the findings of the report and the district's CAP on your school district's website. Should you have any questions, please contact Teresita Munkacsy, Manager, Special Investigations Unit, at (609) 984-7096.

Sincerely,

Robert J. Cicchino, Director
Office of Fiscal Accountability and Compliance

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STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
SPECIAL INVESTIGATIONS UNIT

NEWARK PUBLIC SCHOOLS
CLEVELAND ELEMENTARY SCHOOL
NEW JERSEY ASSESSMENT OF SKILLS AND KNOWLEDGE
ERASURE ANALYSIS SECURITY REVIEW
OFAC CASE #INV-048-14

INVESTIGATIVE REPORT
NOVEMBER 2014

INVESTIGATIVE REPORT – NOVEMBER 2014
NEWARK PUBLIC SCHOOLS
CLEVELAND ELEMENTARY SCHOOL
NJ ASK 2011 AND 2012 ERASURE ANALYSIS SECURITY REVIEW

EXECUTIVE SUMMARY

Subsequent to the release of the New Jersey Department of Education's (NJDOE) 2010 New Jersey Assessment of Skills and Knowledge (NJ ASK) Erasure Analysis Report (EA Report), the then Acting Commissioner of Education, Christopher Cerf, tasked the Office of Fiscal Accountability and Compliance (OFAC) to conduct an investigation into potential irregularities in student answer patterns during the administration of the 2010 NJ ASK and subsequent years.

The irregularities that launched the investigation were the wrong to right (WTR) erasure patterns detected on the tests by Measurement Incorporated (MI), the NJDOE state assessment contractor for the NJ ASK. The NJDOE set a threshold of four standard deviations (4 SD) above the statewide mean for WTR erasures before the OFAC was assigned to investigate. The SD is an indication of how far the values in a data set deviate from the mean.

The Office of Assessments (OA) reviewed the EA Report at the grade level by subject area to pinpoint a specific area of concern. After reviewing the grade level by subject area mean WTR erasure rates per student from the 2011 EA Report, the OA determined Cleveland Elementary School (Cleveland) in the Newark Public Schools (district), third grade and fifth grade, emerged as a school needing review.

In August 2012, the OFAC sent a letter directing the district to provide documentation regarding the administration of the 2011 NJ ASK at Cleveland. The district responded in November 2012, stating it was unable to provide several of the required documents because they were "disregarded after the 2010-2011 NJ ASK administration."

In May 2013, MI released the 2012 EA Report. The OA reviewed the data and determined that the Cleveland NJ ASK 6 MATH data warranted further review. Cleveland was the only school in the state that exhibited a grade level and subject area WTR erasure rate in excess of five per student. Cleveland's NJ ASK 6 MATH WTR erasure rate, at 5.78, was 11.05 SDs above the statewide mean. In addition Cleveland had unusual gains in this same grade level and subject area. As a result of this information, the OA requested the OFAC include the Cleveland 2012 NJ ASK 6 data in this review.

In September 2013, the OFAC sent a letter directing the district to provide documentation regarding the administration of the 2012 NJ ASK at Cleveland. The requested material was received in November 2013.

In an effort to determine the underlying causes for the excessive erasure rates on the 2011 and the 2012 NJ ASK and the unusual gains achieved on the 2012 NJ ASK 6, the investigators reviewed the 2011 and the 2012 testing data provided by MI, the 2011 and the 2012 test administration documents provided by the district, the students' individual LAL and MATH test scores, and the NJ ASK

Spring 2011 and 2012 Coordinator Manuals, which govern specific procedures to maintain the confidentiality and security of the testing process for grades three through eight.

Cleveland was designated a “Renew School” in March 2012, which resulted in a substantial change in school personnel at the end of the 2011-2012 school year. This change included the principal and the 2011 and 2012 NJ ASK school test coordinator (STC). Of the nine teachers selected to be interviewed, one remained at Cleveland, eight were assigned to various schools within the district, and one left the state. The investigators conducted interviews of 12 school personnel and eight students who participated in the 2011 and the 2012 NJ ASK.

As a result of its investigation, the OFAC concluded that during the administration of the 2011 NJ ASK test breaches were committed by the (STC) and the third grade special education examiner.

The remainder of this report consists of a background, investigative procedures, an investigative summary, a conclusion, and a recommendation.

BACKGROUND

New Jersey's state-required assessment program was designed to measure the extent to which all students at the elementary, middle, and secondary-school levels have mastered the knowledge and skills described in New Jersey's Core Curriculum Content Standards. The statewide assessments for elementary and middle school grades are administered annually as the New Jersey Assessment of Skills and Knowledge (NJ ASK) in Language Arts Literacy (LAL) and Mathematics (MATH) at grades three through eight and in Science at grades four and eight. Testing is conducted in the spring of each year to allow school staff and students the greatest opportunity to achieve the goal of proficiency.

The Office of Assessments (OA) coordinates the development and implementation of the NJ ASK. Measurement Incorporated (MI), the New Jersey Department Of Education (NJDOE) state assessment contractor for NJ ASK, is responsible for all aspects of the testing program including receiving, scanning, editing, and scoring the answer documents; scoring constructed-response items; and creating, generating, and distributing all score reports of test results to students, schools, districts, and the state.

In 2008, the NJDOE requested information regarding erasure rates on the NJ ASK. Since that time, MI has provided such erasure analysis to the NJDOE. MI scans and scores the NJ ASK exams. Scanners are set to detect erasures. Computer scoring programs capture the evidence of erasures and accumulate the results by school. Erasures fall into one of three types: a change from a wrong to a right answer (WTR); a change from a wrong to another wrong answer (WTW); or a change from a right to a wrong answer (RTW). MI examined the mean WTR erasure rates of all New Jersey schools to identify potential irregularities in response patterns and then compared each school mean to the statewide mean. In 2011 and 2012, schools for which the erasure rate exceeded the NJDOE defined threshold of three standard deviations (SD) above the statewide mean were flagged and their WTR erasure rates were noted in the NJ ASK Erasure Analysis Reports (EA Reports). The OA set the criteria by which further investigation would be warranted by the Office of Fiscal Accountability and Compliance (OFAC) based on one of two criteria; schools that were flagged for a WTR erasure rate four standard deviations (4 SD) above the statewide mean in the same grade level and subject area for two consecutive years; or schools that were flagged for a WTR erasure rate 4SD above the statewide mean in the same grade level and subject area partnered with unusual gains in the same grade level and subject area.

In the Newark Public Schools (district), Cleveland Elementary School (Cleveland), was identified as a school wherein an investigation would be conducted for the 2011 NJ ASK 3 and NJ ASK 5 MATH and for the 2012 NJ ASK 6 MATH.

Cleveland had the second highest WTR erasure rate for the 2011 NJ ASK 3 MATH at 5.20, which was 6.63 SD above the statewide mean. In 2012, Cleveland had the highest WTR erasure rate for the NJ ASK 6 MATH, at 5.78, which was 11.05 SDs above the statewide mean. In addition, Cleveland had a 32 percent increase in proficient scores from 2011 to 2012, with 38.9 percent of the

students passing the 2011 NJ ASK 6 MATH in comparison to 70.6 percent of the students passing the NJ ASK 6 MATH in 2012.

INVESTIGATIVE PROCEDURES¹

Erasure Analysis Report Review: The results from the 2011 and the 2012 NJ ASK EA Reports, received from MI, were reviewed to assist in determining the underlying causes of the excessive erasures.

Erasure Analysis Data Review: The OFAC investigators (investigators) reviewed and analyzed erasure analysis data received from MI, from the 2011 and the 2012 NJ ASK testing cycle in order to assist in determining the underlying cause of the excessive erasures.

Historical and Mapped Testing Data: The investigators reviewed and analyzed students' historical testing data and the erasure patterns within a grade for each subject in order to determine the underlying causes of the excessive WTR erasures.

Test Booklet/Answer Sheet Analysis: The students' multiple choice answers and open-ended responses for the LAL and MATH tests were examined to determine whether any form of feedback or intervention, including any hint about the correctness of a response, was provided to any student.

Examiner/Proctor Training Sessions: The investigators interviewed the School Test Coordinator (STC), test examiners, and test proctors to determine whether: (1) all school examiners and proctors attended a training session conducted at the testing site by the STC; (2) a copy of the examiner's responsibilities and one Test Examiner Manual was distributed to each examiner; and (3) all school examiners and proctors signed the NJDOE Statewide Assessments Test Security Agreement (TSA).

Test Booklet Distribution and Security: The investigators interviewed the STC, the test examiners, and the test proctors to determine: (1) whether test materials were stored in a secure and locked location that was accessible only to individuals whose access was authorized by the STC when not being used during a test period; (2) whether test examiners verified the quantity and security numbers for the test booklets he/she received; (3) whose signatures appeared on the School Security Checklist acknowledging receipt of test materials; and (4) where and how the test booklets were secured when not in use.

Test Booklet Collection: The investigators interviewed the STC, the test examiners, and the test proctors to determine: (1) who collected the test booklets; (2) when the test booklets were collected; (3) where test booklets were located during any breaks; and (4) how the test booklets were returned to the test collection site.

Examination of School Security Checklists: The investigators examined the School Security Checklists to determine whether: (1) examiners properly signed for each test booklet they received; (2) the times and dates associated with the signatures corresponded with the test schedule time frames; and (3) the STC signed for the return of test materials and included the time and date returned.

¹ The Security Procedures listed on page 13 of the Test Coordinator's Manual served as a guideline for the Investigative Procedures.

INVESTIGATIVE SUMMARY

From a witness account, a review of the district's supporting documents, the 2011 and the 2012 NJ ASK EA Reports, the test booklets, the answer sheets, the testing data and the individual LAL and MATH test scores, the investigators concluded the security and/or confidentiality of the testing materials was breached at Cleveland during the 2011 NJ ASK testing year by the STC, Callie Franklin, and a third grade special education teacher, Sandra Conte.

In an attempt to determine the source of the exceptionally high WTR erasure rate on the 2011 and the 2012 NJ ASK, and the unusual gains in 2012 at Cleveland, the investigators interviewed 12 staff personnel and eight students pertinent to the investigation. Originally a total of 44 students were identified for interviews, of which, permission was granted by the parent/guardian of eight students. These students, when interviewed, did not offer any information to indicate security breaches occurred.

The completed investigation did not disclose any information identifying the causes of the high WTR erasures in 2011 and 2012, and the unusual gains in 2012. It should be noted that Cleveland was designated a Renew School by the district at the end of the 2012 school year. As a result, only one staff member who participated in the NJ ASK during the 2011 and the 2012 school years remained at Cleveland at the time of the investigation. The 11 other staff members were transferred to various schools within the district.

Callie Franklin – STC and Math Coach

Ms. Franklin was employed at Cleveland since 2005 and performed the duties of the assistant to the STC or the STC every year. During the 2011 and the 2012 NJ ASK, Ms. Franklin served as the STC. Additionally, Ms. Franklin was employed as Cleveland's Mathematics coach from 2007 to 2012.

The Spring 2011 Grades 3-8 Test Coordinator Manual mandates that the STC is responsible for the proper administration of the NJ ASK. The successful administration of these tests depends upon cooperation and adherence to the procedures outlined in this Test Coordinator Manual. Specific instructions for the test administration are contained in the Test Examiner Manual. The STC is also responsible for ensuring that accommodations/modifications listed in the Individualized Education Plan (IEP) of students with disabilities was implemented.

The investigators determined Ms. Franklin breached the security of the 2011 NJ ASK 3 by failing to ensure that special education students had accurate IEP information entered into the "School Use Only" section of the students' test booklets. The investigators reviewed the NJ ASK 3 Student Roster and discovered that a student was listed on the third grade special education class roster with A, B and D accommodations. This student's test booklet Pre-ID label in the "School Use Only" section in the test booklet did not contain IEP data consistent with the roster, as required. To ensure that the student is tested under appropriate conditions, the NJDOE has adopted test accommodations and modifications that may be used when testing special populations of students. As a result of the STC's failure to properly code the test booklet, the investigators determined this student did not

receive appropriate IEP accommodations as required under the “Accommodations and Modifications of Test Administration Procedures for Special Education Students and Students Eligible under Section 504 of the Rehabilitation Act of 1973.”

The Spring 2011 Grade 3-8 Test Coordinator Manual establishes the STC responsibilities as follows:

Page 11, Test Accommodations and Modifications: *The test coordinator should consult with the school principal and special education personnel to ensure that arrangements are made prior to the testing dates so that appropriate accommodations are implemented. The test coordinator should prepare a list of the codes for the accommodation categories that will be used by each student in order to code test booklets appropriately.*

Page 24, Gridding of Student Information: *The “School Use Only” section may only be completed by certified staff in a secure location under the supervision of the school test coordinator. Information to be gridded regarding the students to be tested must be included on the Student Roster provided by the school test coordinator.*

- *If available, affix a Pre-ID Label to the upper left corner of each student’s NJ ASK 3–4 test booklet or NJ ASK 5–8 answer folder. Required information not contained on the label must be gridded on the answer folder/test booklet for a given student.*

Page 28, School Test Coordinator General Responsibilities: *Grid “School Use Only” information on the NJ ASK 3–4 test booklets and NJ ASK 5–8 answer folders in a secure central site in the school building.*

Page 30, School Test Coordinator Responsibilities: *Prepares instructions for and supervises gridding of “School Use Only” section of students’ NJ ASK 3–4 test booklets and NJ ASK 5–8 answer folders.*

Sandra Conte - Third Grade Examiner and Special Education Teacher

Ms. Conte was Cleveland’s special education teacher and served as the examiner for the 2011 NJ ASK special education class.

As per the Spring 2011 NJ ASK Grade 3 Examiner Manual, examiners are responsible for the proper administration of the NJ ASK. The successful administration of this test depends upon cooperation and adherence to the procedures outlined in the manual.

The investigators determined Ms. Conte breached the 2011 NJ ASK3 by not ensuring a student tested in her classroom had proper IEP information on their test booklet. During an interview with Ms. Conte, the investigators learned that the above-mentioned student was assigned to general education classes throughout the school year but was present in the special education classroom for the NJ ASK 3. Ms. Conte stated she believed the student had an IEP, but did not know what it was for. She also stated that a personal aide sat alongside the student during the duration of the NJ ASK.

A review of the student's IEP revealed the student did not receive the proper testing accommodations. The student's IEP did not contain a provision for a personal aid.

The NJ ASK Spring 2011 Grade 3 Examiner Manual establishes the examiner's responsibilities as follows:

Page 45, Appendix B: *Accommodations must be recorded on the student's test booklet by the codes (A, B, C, D) listed in this appendix. If using Pre-ID labels, verify coding is correct.*

Page 51, Examiner Responsibilities Before Testing: 10. *Special education teachers ensure that school test coordinators have accurate IEP information to grid onto "School Use Only" sections of test booklets/answer folders.*

Page 52, Examiner Responsibilities During Testing: 14. *Ensures that accommodations/modifications listed in the IEPs/504 plans of students with disabilities are implemented.*

CONCLUSION

Based upon the preponderance of evidence collected during the investigation, the OFAC concluded the aforementioned named individuals breached, encouraged, and/or facilitated the breaching of NJ ASK security procedures.

RECOMMENDATION

The district shall submit to the OFAC a corrective action plan indicating the measures it will implement to correct the security breaches listed above and it should also include the measures the district will implement to ensure staff compliance with the testing security procedures.

Submitted by:



Teresita Munkacsy, Manager
Special Investigations Unit

Approved by:



Robert J. Cicchino, Director
Office of Fiscal Accountability and Compliance

Investigators:

Richard Mandel
Stephen Zawada

NEW JERSEY DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
CORRECTIVE ACTION PLAN

1

SCHOOL DISTRICT NAME: The Newark Public Schools – Cleveland Elementary School COUNTY: Essex

TYPE OF EXAMINATION: NJ ASK

DATE OF BOARD MEETING: December 16, 2014 OFAC Case #: INV-048-14

CONTACT PERSON: Gabrielle Wyatt

TELEPHONE NUMBER: (973) 733-7334

FAX NUMBER: (973) 733-8771

RECOMMENDATION NUMBER	CORRECTIVE ACTION	METHOD OF IMPLEMENTATION	INDIVIDUAL RESPONSIBLE FOR IMPLEMENTATION	COMPLETION DATE OF IMPLEMENTATION
1. Staff compliance with testing security procedures	A. <i>Ensure all STCs attend the Office of Data & Policy's workshop on test administration.</i> - Since SY10-11, all STCs have attended a district-led testing compliance and security half-day workshop (see Appendix A: NPS STC Training Presentation). - In addition, the principals of the identified schools under investigation were required to attend the district's workshop in spring 2014. - None of the STCs that served in this capacity during the years that were under investigation were permitted to serve as STCs in the	A. Training B. Training C. Operational protocols D. Training E. Training	A. Gabrielle Wyatt B. Gabrielle Wyatt C. Charlotte Hitchcock D. Gabrielle Wyatt E. Gabrielle Wyatt	A. April 2015 B. April 2015 C. May 2015 D. April 2015 E. May 2015

Cami Ashman
Chief School Administrator

12/17/14
Date

Valerie Wilson
Board Secretary/Business Administrator

12/17/14
Date

**NEW JERSEY DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
CORRECTIVE ACTION PLAN**

	years thereafter. B. <i>Continue current requirement for all School Testing Coordinators (STCs) to attend the District Testing Coordinator (DTC) Workshop provided by the NJDOE.</i> • Since SY13-14, STCs were required to attend the State's DTC workshop (see Appendix B: DTC Presentation). • In addition, the principals of the identified schools under investigation were required to attend the NJDOE workshop in spring 2014. • All STCs received a copy of the NJDOE's Spring 2014 Test Coordinator manual (see Appendix C: Test Coordinator Manual) C. <i>Continue practice of General Counsel's review and approval of test security plans.</i> • The original Test Security Plans will continue to be kept on file at the district and a copy at schools, subject to audit by the district. • Since SY12-13, all principals were required to certify their test security plans, as well as receive			
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Chief School Administrator

Date

Board Secretary/Business Administrator

Date

**NEW JERSEY DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
CORRECTIVE ACTION PLAN**

	General Counsel's approval on the plan's content. • Test plans are required to include information pertaining to: mandatory turnkey training; storage of secure materials; delivery problems; centrally located distribution center; missing test booklets; chain of command; sick students; disruptive students; fire/emergency procedures; and inclement weather (see Appendix D: Test Security Plans). • All school personnel are required to be informed of security procedures prior to all test administrations. D. <i>Train and assign Central Office Staff to serve as District Testing Monitors.</i> • Since SY10-11, Central Office staff members were assigned to serve as monitors during the NJASK administration (see Appendix E: Central Office Training Presentation). • Monitors are present for all days of the administration and report daily on: student attendance, staff attendance, staff notes, and call log		
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Chief School Administrator

Date

Board Secretary/Business Administrator

Date

NEW JERSEY DEPARTMENT OF EDUCATION
OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE
CORRECTIVE ACTION PLAN

	of absent students (Appendix F: NJASK District Monitor Checklist). E. <i>Monitor the implementation of STC "turn-key" trainings.</i> • All STCs are required to train school-level examiners and proctors on testing protocols. • STCs will be required to send the training's agenda, handouts, staff assignments, bell schedule, security plan, and sign-in sheet to their district monitor in advance of turn-key trainings. Audits of school presentations will be conducted as determined by the district. • Following the turn-key trainings, school examiners must read and sign a Test Security Agreement (See Appendix G: Test Security Agreement) • In SY13-14, a Central Office staff member attended the turn-key trainings at the schools under investigation (see Appendix H: Turnkey Trainings).			
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Chief School Administrator

Date

Board Secretary/Business Administrator

Date